



PATENT

Attorney Docket No. MTI-31041-A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Ping, et al.
Serial No. : 10/046,497
Filing Date : October 26, 2001
For : Method For Forming Raised Structures by Controlled Selective Epitaxial Growth of Facet Using Spacer
Group Art Unit : 2814
Examiner : LE, Thao X.
Confirmation No. : 8624

#4B Andl.
M. Brunson
8/8/02

CERTIFICATION UNDER 37 CFR 1.8(a) and 1.10

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37 CFR 1.8(a)

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**RESPONSE TO RESTRICTION REQUIREMENT
AND PRELIMINARY AMENDMENT**

Sir:

Restriction Requirement

In response to the Examiner's requirement for an election of species, mailed July 1, 2002, in the above-identified patent application, Applicant elects Subgroup "d", Claims 129-155 and new Claims 156-193, with traverse.

The claims readable on independent claims 129, 143 and 149 include Claims 130-142, 144-148 and 150-155 and new Claims 156-193. Applicant also submits that Claims 101-128 (Subgroups a-c) are readable on Claims 129, 143 and 149 of the elected Subgroup d.

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3) The Examiner's statement regarding Claims 101-116, Subgroup a (at page 2, paragraph a) of "A transistor comprises a multi-layered structure of elevated source and drain (S/D) and multi-layer structure gate..." is incorrect. For example, Claims 101 and 110 of Subgroup a do not require *both* an elevated epitaxial layered S/D region *and* an elevated epitaxial layered gate.

4) The Examiner incorrectly characterized the structure recited in Subgroup c, Claims 123-128 (at page 2, paragraph c). *Each epitaxial layer* of the S/D region *does not* have an overlying layer of an insulated material. Claim 123 clearly recites the "*uppermost epitaxial layer* having a top surface with an overlying insulative material."

It is further submitted that the claims should be properly combined as a single species. As stated above, each of Claims 101-193 recite a structure comprising at least two overlying epitaxial layers having insulated sidewalls and an uppermost layer with an insulated top surface, or being covered by an insulative layer.

In particular, the claims of Subgroups a, b and c (Claims 101-128) should be properly combined with the claims of Subgroup d. The Examiner is respectfully directed to compare Subgroup d - Claim 129 with Claims 101, 110, 117 and 123. All of these independent claims recite an elevated structure:

- i) In Claim 101, the elevated structure is a gate;
- ii) In Claim 110, the elevated structure is a source/drain region;
- iii) In Claim 117, the elevated structure is a gate; and
- iv) In Claim 123, the elevated structure is a source/drain region.

Accordingly, claims of Subgroups a-c should be properly combined with the claims of Subgroup d. Withdrawal of the requirement for an election of species in the present application is respectfully requested.

Additionally, the claims of Subgroup c (Claims 123-128) should be properly combined with the claims of Subgroup a (Claims 101-116). The Examiner is respectfully directed to compare Subgroup a - Claim 110, with Subgroup c - Claim 123. Both Claims 110 and 123 recite a transistor gate, and an elevated S/D region "comprising at least two overlying

layers of epitaxially grown silicon." Accordingly, the claims of Subgroup c should be properly combined with the claims of Subgroup a.

Applicant notes that the election of species is for the purpose of prosecution on the merits, and that Applicant will be entitled to consideration of claims to additional species upon allowance of a generic claim.

Preliminary Amendment

Prior to substantive examination, Applicant requests that the following amendments be made to the above-referenced application.

IN THE CLAIMS

Please amend the claims as shown in the attached replacement sheets submitted under 37 C.F.R. § 1.12(c). A blacklined version is enclosed to illustrate the amendments to the claims.

REMARKS

Claims 151-155 have been amended, and Claims 156-193 have been added. Claims 101-193 are pending.

No new matter is added with the amendments and new claims. Support for the new claims is in the original Claims 101-155, and additionally as follows:

Claims 165, 182	:	Claim 129
Claims 168, 186	:	Claim 143
Claims 171, 190	:	Claim 149
Claims 165, 168, 171	:	page 4, line 21 ("component")
Claims 182, 186, 190	:	page 1, lines 10-11; page 36, lines 14-16 ("device")

Serial No. 10/046,497

Response to Restriction/Preliminary Amendment

Applicant believes that the claims are in condition for allowance, and notification to that effect is respectfully requested.

Respectfully submitted,



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Dated: July 15, 2002

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